

RESOLUTION NO. 2021-22

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AFFIRMING
THE BUILDING, ZONING, AND PLANNING DIRECTOR'S
DETERMINATION THAT AN ADMINISTRATIVE
APPEAL WAS UNTIMELY FILED RELATING TO THE
ISSUANCE OF PERMITS FOR TELECOMMUNICATION
FACILITIES LOCATED AT 210 SEAVIEW DRIVE; AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, on September 11, 2020, Protect Key Biscayne, Inc. and a group of Village residents (the "Appellant") filed an administrative appeal, pursuant to Section 30-70 of the Village Code of Ordinances (the "Village Code") relating to the issuance of permits for telecommunication facilities located at 210 Seaview Drive issued on August 28, 2018 and October 15, 2018, respectively; and

WHEREAS, pursuant to Section 30-70(b)(2) of the Village Code of Ordinances (the "Village Code"), appeals of administrative decisions must be filed "within 30 days of the date of the administrative order, decision or interpretation is rendered;" and

WHEREAS, on November 25, 2020, the Village's Director of Building, Zoning and Planning (the "Director") issued a determination rejecting the September 11, 2020 appeal, as untimely, since it was filed approximately 745 and 697 days after the permits were issued; and

WHEREAS, on December 23, 2020, the Appellant filed an appeal of the Director's November 25, 2020 determination in accordance with Section 30-70 of the Village Code; and

WHEREAS, after proper public notice, the Village Council conducted a public hearing and considered all testimony and other evidence presented and otherwise made part of the record.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF
THE VILLAGE OF KEY BISCAYNE, FLORIDA AS FOLLOWS:**

Section 1. **Recitals.** Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. **Affirming Administrative Determination.** The Village Council hereby affirms the Director's November 25, 2020 determination rejecting the Appellant's September 11, 2020 appeal, as untimely, since it was filed approximately 745 and 697 days after the permits were issued.

Section 3. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 27th day of April, 2021.



MICHAEL W. DAVEY, MAYOR

ATTEST AND RENDERED THIS 4th DAY OF MAY 2021:


JOCELYN B. KOCH
VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY